



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Kevin and Katherine Oliver/Map 217, Lot 44

May 5, 2010

**Applicant: Kevin and Katherine Oliver
121 King Road
Bedford, NH 03110**

Location: 44 Black Cat Island Road, Moultonborough, NH (Tax Map 217, Lot 44)

On April 21, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Kevin and Katherine Oliver (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B) to allow for removal of the existing structure and replacement of a new Residential Structure on the parcel located in the Agricultural Residential (AR) Zoning District to be located with the required setbacks.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby make the following findings of fact:

- 1) The property is located at 44 Black Cat Island Road (Tax Map 217, Lot 44).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Agricultural Residential (AR) Zoning District.
- 4) The existing structure is to be removed down to the foundations and a new structure to be constructed on the existing foundation.
- 5) The existing access curb cuts are to be removed and a new access off of Panther Path to be constructed.
- 6) A new addition to the existing foundation is to be constructed with the residential structure as a garage.
- 7) Pervious pavers are to be used for the new driveway.

- 8) The project is to conform with the plan submitted by William J. McNair and entitled "Proposed Shoreland Re-Development Plan, 44 Black Cat Island Rd., Moultonborough, NH" and dated November 27, 2009.
- 9) The setbacks affected are the two (2) fifty foot (50') setbacks from a roadway, and the fifty foot (50') lake setback.
- 10) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family homes of like construction and style.
- 11) Granting the Variance will not be contrary to the public interest as the use of the lot for residential use is in accordance with the permitted uses in the Agricultural Residential (AR) Zoning District.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope.
- 13) By granting the Variance, substantial justice is done.
- 14) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the use in the zoning district and the setback requirements are largely in conformance with the requirements of the Zoning Ordinance and the pre-existing structure on the site.

The Public Hearing was continued to May 5, 2010. The Board of Adjustment closed the Public Hearing on May 5, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Bernstein, Heal, McCarthy) and none (0) opposed, to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert Stephens
Chairman, Zoning Board of Adjustment

Date _____